

Tennessee Administrative Office of the Courts

Compliance with Title VI of the Civil Rights Act of 1964

Purpose of Training

- ❖ To ensure all AOC management, staff, subrecipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- ❖ Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.

What is Title VI?

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) -

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI Program Compliance

Purpose: To verify that all federal fund recipient state agency entities comply with Title VI of the Civil Rights Act of 1964.

- ❖ TCA §4-21-203 requires the Tennessee Human Rights Commission to review Title VI monitoring and enforcement procedures, and
- ❖ Periodically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency.
- ❖ Recipients are required to audit, review, evaluate and report on Title VI compliance efforts and outcomes of all its subrecipients and beneficiaries of federal funds.

Definitions

- ❖ **Federal Financial Assistance (FFA)** – Award or grant money; loans below fair market value or subsidies; any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance; others.
- ❖ **Recipient** – Primary recipients include state entities required or authorized to extend FFA to another recipient or subrecipient for the purpose of carrying out a program.

Definitions (cont.)

- ❖ **Subrecipient** – any entity or individual that receives FFA from a primary recipient to carry out a program. Sometimes assistance is distributed to an ultimate beneficiary.
- ❖ **Contractor** – any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity.

To Comply with Title VI

Subrecipients/Contractors must:

- ◆ Appoint a Title VI Coordinator;
- ◆ Complete Title VI Training Provided by the AOC;
- ◆ Provide Title VI Training for all employees (May utilize the AOC Title VI Training);
- ◆ Develop a Title VI Policy Statement and post in visible areas;

To Comply with Title VI (cont.)

- ◆ Acquire signed Title VI assurances;
- ◆ Monitor ethnicity of subrecipients (subcontractors) and beneficiaries of FFA; and
- ◆ Include Title VI Assurances in all contracts.

Discriminatory Practices Under Title VI

- ❖ Denying an individual any program services, financial aid, or benefits;
- ❖ Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others; or
- ❖ Segregating or treating individuals separately in any matter related to receiving any program service, aid, or benefit.

Disparate Treatment vs. Disparate Impact

- ❖ Disparate treatment means discrimination against an individual.
- ❖ Disparate impact means discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people.

Retaliation

Retaliation occurs when a recipient or another person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because a person made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI.

THRC Rule 1500-01-03-.06(3)(c) & 28 CFR 42.107

Develop a Public Participation Plan

Engage the Public with the opportunity to make them aware of projects or services and to provide input in the decision-making process through:

- ◆ Public Meetings/Hearings in centralized locations;
- ◆ Advertisement with Local Media Resources and Minority Newspapers;
- ◆ Direct Mailings;
- ◆ Public Service Announcements;
- ◆ Website, and
- ◆ Radio and Television.

Minority Representation on Planning Boards & Commissions

The inclusion of minorities on planning boards and commissions is critical in establishing an equal access planning system. Subrecipients cannot “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

Have a Written Title VI Complaint Process and Complaint Log

To Include:

- ◆ How to file a complaint;
- ◆ Instructions that the complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- ◆ Procedure stating that the complaint must be in writing and signed by the person making the complaint;
- ◆ Process for determining the jurisdiction, acceptability, and the need for additional information upon receipt in order to investigate the merit;
- ◆ Instructions that complaints filed against the subrecipient should be forwarded to the AOC Title VI Coordinator for investigation;
- ◆ Commitment to take final action within 90 days; and
- ◆ Provide appeal instructions

Executive Order 13166

Limited English Proficiency (LEP)

EO 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

Have a Limited English Proficiency (LEP) Plan

Who are LEP Persons?

Persons who do not speak English as their primary language, and who have **a limited ability** to read, speak, write or understand English.

Take Reasonable Steps to Ensure Meaningful Access to Programs and Activities of LEP Persons by Determining:

1. Number or proportion of LEP persons;
2. Frequency of contact with the program or activity;
3. Nature and importance of the program; and
4. Resources available.

Evaluate Current Practices

- ❖ Identify actions already being taken and existing tools that can be used to provide meaningful access;
- ❖ Inventory existing materials that have been translated into other languages;
- ❖ Develop staff awareness, and
- ❖ Prepare a response Plan.



Non-Compliance

Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable Civil Rights Laws, and implementing departmental regulations.

Sanctions for Non-Compliance

- ❖ Withholding of payments to the recipient under the contract until the recipient complies, and/or
- ❖ Cancellation, termination or suspension of the contract, in whole or in part

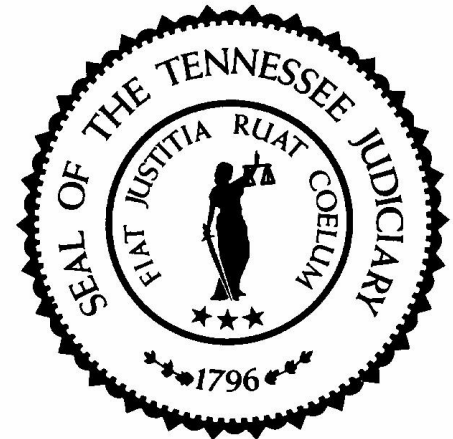
AOC Title VI Contact Information

If you have questions or need additional information regarding Title VI compliance, please contact:

Cindy Saladin

AOC Title VI Coordinator

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CONGRATULATIONS YOU HAVE JUST CONCLUDED TITLE VI TRAINING!

To receive credit for fulfilling the Title VI Training requirement it is necessary to complete the “TITLE VI COMPLIANCE TRAINING SURVEY” at the link below:

<http://www.surveymonkey.com/s/SFCDL9Y>

To assist you in completing the “Title VI Compliance Training a “Quick Facts” document is provided below:

http://tncourts.gov/sites/default/files/docs/quick_facts_for_subrecipient_training.pdf